

CHAP.  
XVII.

1825.

have the confidence of the administration. That which was finally agreed upon, as best adapted to reconcile the conflicting opinions entertained on the subject, limited the total amount of the expenditure for the year, including the appropriated revenue, without however making any mention of the particular manner in which that amount was to be applied. It also admitted the existence of the previous appropriation by law.\* The Bill was in fact free of the apparent restrictions which had

\* The Bill passed on the occasion, without specifying any of the conditions or restrictions which in some instances accompanied the votes, simply enacted (as it stands on the Statute Book,) "that in addition to the revenues appropriated for defraying the expenses of the administration of Justice and for support of the Civil Government of the Province, there shall be supplied and paid from and out of the unappropriated monies which now are, or hereafter may come into the hands of the Receiver General of the Province for the time being, such sum or sums as may be necessary to make up and complete a sum not exceeding fifty eight thousand and seventy-four pounds two shillings and eleven pence sterling, for the purpose of defraying the expenses of the Civil Government of this Province and of the administration of Justice therein, and the other expenses for the said year, commencing the first day of November 1824, and ending the thirty-first day of October 1825." Lord Bathurst, the Colonial Minister, expressed his disapprobation of the bill. The objections seem less to the bill itself, which only purports to limit the expenditure for the year, including the appropriated fund, than to the pretensions raised by the Assembly in connection with it. This body in their votes decidedly assumed the disposal of that fund, but without specifying these votes in the bill which would have occasioned its rejection by the L. Council, nevertheless pretend that the Executive was implicitly to be guided by them in the application of the gross sum voted for the year. An absolute refusal of an aid the ensuing year it was said would be the result of any deviation from them. The disposal of the permanent fund exclusively belonging to the Crown, and applicable by it towards the support of the Civil Government, would therefore in this way devolve annually upon the Assembly, which in supplying the aid, also controul and dictate, not by the bill, but in this indirect though not less effectual manner, the application of the revenue previously appropriated—a system if admitted in practice that would leave the Executive no alternative between implicit acquiescence in the annual votes of the Assembly, and the danger of a renewal of misunderstandings on the subject every year. The application of the permanent revenue pursuant to the annual dictate of the Assembly in the assumed disposal of it, precludes every notion of exclusive right in the Crown to the entire controul and application of that fund, as well as of a permanent Civil List, permanent Salaries, independence of Judges and other Civil Officers. Divested of these pretensions reserved by the Assembly, and annually to be revived and acted upon, the Bill possibly might have been unobjectionable. The aid granted by it, is an uncertain sum, depending upon the amount of the appropriated revenue for the year. That aid consists of the balance there may have been between the amount of this revenue for the year 1825 and the sum specified in the Bill. As to the permanent revenue in question, it seems by the concurrent opinions of the best authorities in Britain, that the King's right to the sovereignty of the Colony does not rest upon a firmer basis, than does His Majesty's right to the exclusive controul and disposal of the fund constituted by that revenue. The one may just as well be disputed as the other. It rests upon the rights of the King of France in the Colony while under the French Crown—the conquest and capitulations of Quebec and Montreal—the subsequent treaty of 1763, and finally an act of the British Parliament in the year 1774 undisturbed by the 16th Geo. III. ch. 12, but fully recognized by recent Acts, as well of the Legislature of this Province as of the Imperial Parliament,—see 3d Geo. IV. ch. 119 or *Canada Trade Act*.